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COMPANY and ROTO-ROOTER CORPORATION

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
(San Francisco Division)

RES-CARE, INC., et. al.

Plaintiff,

v.

ROTO-ROOTER SERVICES COMPANY,  
ROTO-ROOTER CORPORATION,  
BRADFORD-WHITE CORPORATION,  
LEONARD VALVE COMPANY, and DOES  
1 through 20, inclusive.

Case No.: CV 09 3856 EDL

**STIPULATED REQUEST FOR ORDER  
CHANGING TIME TO EXTEND THE  
DEADLINE FOR TAKING ROTO  
ROOTER'S EXPERT DEPOSITIONS TO  
NOVEMBER 16, 2010**

Pursuant to Civil Local Rule 6-2, IT IS HEREBY STIPULATED, by and between the parties hereto, to extend the deadline for Plaintiff to take Roto Rooter retained expert, Mark Hunter, from October 29, 2010, as stated in the court's order of October 18, 2010, to November 16, 2010, which is Mr. Hunter's earliest availability.

**STIPULATED REQUEST FOR ORDER CHANGING TIME TO EXTEND THE DEADLINE FOR TAKING ROTO  
ROOTER'S EXPERT DEPOSITIONS TO NOVEMBER 16, 2010**

1                   **(1) Mark Hunter is unavailable until November 16, 2010**

2           The extension is necessary because Mr. Hunter's earliest availability is November 16,  
3 2010. Prior to the court's order of October 18, 2010, the parties agreed to have his deposition  
4 taken on November 16, 2010. Upon receipt of the court's order, Defendant ROTO ROOTER  
5 inquired with Mr. Hunter regarding his availability and was informed that he would be  
6 unavailable until November 16, 2010, which included being out of state from October 25 until  
7 November 2. Mr. Hunter has assured counsel for ROTO ROOTER that he would notify counsel  
8 immediately should he have any cancellations between November 2 and November 16.

9                   **(2) Previous time modifications in this case**

10          Previously, Plaintiff RES-CARE requested an extension of the expert discovery cut-off  
11 date of September 30, 2010 to October 8, 2010 in order for the parties to take the depositions of  
12 Plaintiff's retained experts and Defendant LEONARD VALVE's retained experts. This request  
13 was granted by the court on September 21, 2010. Plaintiff RES-CARE also requested an  
14 extension of the expert discovery cut-off date as to Defendant ROTO ROOTER retained experts  
15 until October 15, 2010, pending the court's order on Plaintiff's motion to exclude Roto Rooter  
16 experts. The request was granted by the court on September 21, 2010.

17          In its October 18, 2010 order, the court ordered the depositions of Defendant Roto  
18 Rooter's retained experts to take place before October 29, 2010. As stated above, the parties  
19 had already agreed to the take the depositions of ROTO ROOTER'S retained experts as  
20 follows: Stephen Werner, Ph.D. on October 28, Michel Brones, M.D. on October 29, 2010, and  
21 Mark Hunter on November 16, 2010. The instant motion to extend is based on the court's order  
22 as it applies to Roto Rooter retained expert Mark Hunter.

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1 (3) The requested extension will have no effect on the schedule of the  
2 case

3 The extension requested by the parties will not affect the dates already set by the court in  
4 this matter, including the November 10, 2010 pre-trial conference or the December 6, 2010 trial  
5 date.

6 SO STIPULATED.

7 DATED: November 2, 2010

HANSON BRIDGETT LLP

8  
9 By: 

10 LORI C. FERGUSON  
11 Attorneys for Plaintiff  
12 RES-CARE, INC., et. al.

13 DATED: November 2, 2010

SIMONCINI & ASSOCIATES

14  
15 By: 

16 KERRI A. JOHNSON  
17 Attorneys for Defendants  
18 ROTO-ROOTER SERVICES COMPANY  
19 and ROTO-ROOTER CORPORATION

20 PURSUANT TO STIPULATION, IT IS SO ORDERED.

21 DATED: November 4, 2010

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23 By: 

24 ELIZABETH D. LAPORTE  
25 United States Magistrate Judge  
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